

HOLLISTER RESOURCE AREA
ENVIRONMENTAL REVIEW SCOPING SHEET

PART (A) - (to be completed by lead staff)

PROJECT EA NAME: Larios Canyon Camissonia benitensis Terrace Fence

Summary of Proposed Action & Associated RMP/Activity Plan Decisions (Attached)

Management Area: Clear Creek Management Area

Special Mgmt. Area (WSA, ACEC, etc.): ACEC

Legal Land Description: T.17S, R11E, Sec. 35, SW corner

Date NEPA process initiated: 11/30/03 Proposed deadline for decision: 12/12/03

PART (B) - (To be completed by environmental coordinator)

NEPA Documentation #: CA-190-2004-002

Public Notification Procedure: newsletter, individual, posting, other (explain): warning posted and Press Release

Associated NEPA Documents: _____

Assessment Level: Decision of NEPA Adequacy (see Part C)
Categorical Exclusion (see Part D)
Minor EA (see Part E, over)
Major EA (see Part E, over)
EIS

PART (C) - DETERMINATION of NEPA ADEQUACY

Following review of the Proposed Action and previously conducted NEPA documents cited in Part B above, I have determined that no additional environmental analysis is necessary.

Lesly Smith
Environmental Coordinator (signature)

12-11-03
Date

PART (D) - CATEGORICAL EXCLUSION

This project qualifies as a categorical exclusion under 516 DM 6, Appendix 5.4 H, Other (9), construction of small protective enclosures including those to protect reservoirs and springs and those to protect small study areas and (11) Actions where BLM has concurrence or co-approval with another DOI agency and the action is categorically excluded for that DOI agency.. It has been reviewed to determine if any of the exception applies and:

It has been determined that none of the exceptions apply. GH (Initial)

It has been determined that additional review is needed by staff as indicated on the scoping sheet assignments. _____ (Initial)

PROPOSED PROJECT DESCRIPTION

(Be sure to include, if necessary: Project Proponent/Lead, Location(s) of Work (APE), Proposed Start Work Date, Proposed End Work Date, Purpose & Need, Project Description, and attach a Sketch Map.)

Project Proponent: BLM, USFWS

Lead: George Hill

Proposed Start Work Date: November 24, 2003

Proposed End Work Date: December 30, 2004

Purpose and Need

The San Benito evening-primrose (*Camissonia benitensis*) is a federally listed threatened plant species which occurs on public lands in the Clear Creek Management Area (CCMA). The Endangered Species Act requires that all Federal agencies ensure that management actions do not jeopardize the continued existence of any endangered or threatened species. The only known locations of the San Benito evening-primrose are limited to serpentine-derived alluvial deposits within the vicinity of the CCMA. The Bureau of Land Management (BLM) has, as a priority, the protection of existing populations of the San Benito evening-primrose and attempting to expand its range to areas that have moderate and high potential for the species. The BLM is committed to managing the CCMA to ensure that sensitive species and communities maintain or enhance their condition.

Protection of all CABA populations throughout the Clear Creek Management Area (CCMA) is in accordance to the Biological Opinion (USFWS, 1997) and the BLM CCMA Plan Amendment and FEIS (1996). As a result of monitoring during the 2003-2004 use season, BLM has determined that the 10 incident threshold for non-compliance provided in the Biological Opinion has been exceeded, and that continued non-compliance may result in closure of the area. The BLM Hollister Field Office implemented an emergency closure on November 26, 2003 for the Larious Canyon Terrace in the CCMA to protect *Camissonia benitensis* and sensitive riparian habitat. Authority for this closure is found in 43 Code of Federal Regulations (CFR) 8341.2 (a) which states: "where the authorized officer determines that off-road vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence."

This closure affects approximately five acres of public lands located in the southwest corner of Section 35 in Township 17 South, Range 11 East. The emergency closure is a result of continued damage by OHV use in sensitive species habitat. The damage has exceeded thresholds as identified by the Bureau of Land Management and the U.S. Fish and Wildlife Service. All vehicle travel is prohibited in the affected areas.

The purpose of this fencing project is to install protective perimeter fencing around a large population of Federally threatened *Camissonia benitensis* (CABE) on the Larious Tributary Terrace (suboccurrence 61100), which is both occupied and potential CABE habitat. This fencing is necessary to control non-compliant incidents of trespass in protected species habitat areas.

Project Description

The Bureau of Land Management proposes to completely enclose the existing site by constructing 1500 feet of fence along the southern and eastern boundary of the terrace in the southwest portion of section 35 in T. 17 S., R. 11 E. (see Exhibit A) to protect the Federally threatened San Benito Evening Primrose (*Camissonia benitensis*) (CABE). The fence would be an extension of the existing fence line which encompasses the western boundary of the terrace. Two additional gap fences will be constructed upstream of this terrace on the Larious tributary to prevent access to the terrace and occupied habitat.

There will be no adverse impacts to CABE habitat due to this project and all work will be completed prior to the 2004 germination period. Prior to implementation of the project, appropriate staff will review the proposal, visit the locations, inventory for special status species, and receive site specific instructions to avoid impacts to sensitive resources and riparian areas during construction. The proposed project will incorporate a former livestock fence that existed before the population was discovered. This project conforms with the Compliance Monitoring section of the Biological Opinion (1997).

Exclosure Fence

An exclosure fence would be constructed which encloses approximately 5 acres of CABE habitat. This action is scheduled to begin November 24, 2003 and be completed December 12, 2003.

1. The fence would be a 47" field wire "closed area" barrier fence installed 10"-12" above the ground.
2. T-post spacing would be 16' -0" center with line posts at 105' intervals.
3. Wood cross braces would be at a height of 46".
4. Fence materials would be installed by hand.
5. An ASU (all season vehicle) equipped with 2.3 psi ground pressure rubber tread tractor may be used to dig post holes.
6. Vehicles used to transport materials and equipment would use existing roads, R001, R002, R003, and a former jeep route that is designated for administrative use only.
8. Vegetation would only be removed as necessary. Where the fence alignment would impact a plant it would be removed or partially removed. When possible only the portion of the plant that interferes with the fence line would be removed. With the exception being slight pruning of vegetation for wire clearance, foot traffic for access, and post hole digging and re-tamping there would be minimal disturbance associated with the fence construction.
9. The removed, cut or crushed material would be left on site to benefit wildlife by providing cover.

Cultural Resources

No cultural resources were identified in the project area. Should any cultural resources be discovered during construction activities, all work shall halt until a qualified archeologist is contacted to assess the resources.

Hazardous and Solid Wastes

Common construction practices to minimize the potential for a release of hazardous substances to the environment would be employed. Prior to mobilization on the site, all equipment would be inspected to be sure it is operating correctly and free of leaks. Equipment would be inspected daily to ensure that there are no discharges. Equipment maintenance activities would not be conducted on the site. All fuels and other materials used would be contained within the equipment or stored in appropriate containers. All materials would be removed from the site upon completion of construction activities.

Safety

1. All activities would be conducted in compliance with Federal, State and County regulations, including the Occupational Safety and Health Act (OSHA).
2. All field actions of the project would follow the BLM Hollister Field Office Hazardous Asbestos Area Health & Safety Plan.

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

I have reviewed this categorical exclusion (NEPA # CA-190-2004-002) including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed project is in conformance with the approved land use plan. It is my decision to implement the project with the mitigation measures identified below.

Mitigation Measures/Remarks:

Not applicable. Stipulations included for this action are part of the proposed action.

Authorized Official: George E. Hill

Date: 12/11/03

CONDITIONS OF APPROVAL AND ADVISORY:

CONTROL NUMBER: CA-190-2004-002

PROJECT: Larious Tributary Terrace Fence

Conditions of Approval

1. Protection measures incorporated within the proposed action as related to threatened and endangered species shall be adhered to.

Advisory

1. Actions other than those explicitly approved by the Bureau of Land Management which result in impacts upon archaeological resources, shall be subject to the judicial proceedings of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands.
2. The San Benito Evening Primrose (*Camissonia benitensis*) was listed as an threatened species by the U.S. Fish and Wildlife Service 1985. It receives the same protection with its threatened status as it would as an endangered species.